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Fair Political Practices Commission Notification Guidelines for Filing Officers Statement of Economic Interests (Form 700)

The Political Reform Act requires public officials to disclose assets and income which may be materially affected by their official actions. The Act requires governmental agencies to ensure that their public officials (board/commission members, employees and consultants) disclose their interests on or before the statutory deadline. Filing officers must supply a Statement of Economic Interests (Form 700) to those officials who have assuming, initial, annual and leaving office filing obligations and notify filers who have failed to file. These guidelines provide a suggested timeline for notifications to individuals who must file an annual statement of economic interests. An enforcement referral must be made if a statement is not filed and suggested procedures are provided.

In order to determine which individuals are required to file, agencies should carefully review the list of designated positions in their conflict-of-interest codes (including consultants); update their conflict-of-interest codes in compliance with existing law; and know the list of filers covered under Government Code section 87200.

For the purposes of these guidelines, the term “statement” refers to a Statement of Economic Interests (Form 700). Each agency must designate an individual or individuals whose job it is to notify public officials of their filing obligations. These individuals are referred to as “filing officers.”

1. **Pre-Filing Notification:** A filing officer should provide notification to filers at least 30 days prior to the deadline for filing an annual statement. Notification may be oral, or in writing by e-mail, fax, mail, or personal delivery. The Form 700 is available at www.fppc.ca.gov.
2. **Non-filer Notification:** If a filer fails to file by the statutory deadline, the filing officer should, no later than [30/120]* days after the filing deadline, send a written notification to the non-filer that his or her statement has not been received.

If the nonfiler’s statement has not been received in response to the first non-filer notification, the filing officer should send a second non-filer notification within [45/60]* days of the date of the first non-filer notification letter.

These notification letters should be personally delivered or mailed to a location that is most likely to result in actual notice to the nonfiler.

*Recommended timelines depend on the number of filers in the agency, and are based on an April 1 annual filing deadline. Agencies with different annual filing deadlines should adjust the timelines accordingly. (See the Table of Recommended Timelines on page 2.)

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3. **Enforcement Referral:** The filing officer must refer to the FPPC or other appropriate enforcement agency any individual who fails to file a statement after being sent at least two written notifications. The FPPC is the enforcement agency for all state and multi-county agencies. All other agencies may refer non-filers to either the District Attorney, the elected city attorney in charter cities, or the FPPC as they deem appropriate. The referral should be made in writing no later than [30/45]* days after the date of the second non-filer notification. An enforcement referral form for the FPPC is available at www.fppc.ca.gov.

Small Agencies With 50 Filers or Less – Table of Recommended Timelines

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 30 days after annual deadline (May 1 or earlier)	Within 30 days after first non-filer notice is sent (June 1 or earlier)	Within 30 days after second non-filer notice is sent (July 1 or earlier)

Agencies With More Than 50 Filers – Table of Recommended Timelines

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 120 days after annual deadline (August 1 or earlier)	Within 60 days after first non-filer notice is sent (October 1 or earlier)	Within 45 days after second non-filer notice is sent (November 15 or earlier)

4. **Documentation.** The filing officer should maintain a log with a record of each notification, communicated by any means, and should include a notation whether the notice was provided orally or in writing by personal delivery, email or mail. The agency should maintain a copy of all written notifications. This information should be included with the referral to the FPPC or other enforcement agency.
5. **Sample Notification Statement:** The filing officer should include the following statements in its written notifications. Additional information may also be included.
- (a) **Annual Notification:** “The Political Reform Act requires certain officials and employees who serve in positions designated in an agency’s conflict-of-interest code to file a Statement of Economic Interests (Form 700). Your statement is due on or before _____. Except for deadlines that fall on Saturday, Sunday or an official state holiday, there is no provision in the law for an extension of a filing deadline. Late statements are subject to a \$10 per day late fine.”
- (b) **First Non-filer Notification:** “According to the agency’s records, you have not filed your Statement of Economic Interests (Form 700) which was due on _____. Please

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file immediately. The deadline cannot be extended. Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100.”

- (c) **Second Non-filer Notification:** “According to our records, on (date) you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on _____. This letter is your second notice. Please file immediately. Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100, in addition to any administrative penalty (up to the statutory maximum, currently \$5,000) imposed by the Fair Political Practices Commission (FPPC). If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.”

(11/15/04)